

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL MELVIN *et al.*

*Plaintiffs,*

v.

Civil Action No. 2:20-cv-3529

HONORABLE JAMES F. KENNEY, *et al.*

*Defendants.*

**SECOND SUPPLEMENT OF PLAINTIFFS' MOTION TO SET ASIDE ORDER OF  
NOVEMBER 25, 2020 AND FOR EXTENSION OF TIME TO RESPOND TO  
DEFENDANTS' MOTIONS TO DISMISS UNTIL  
AND INCLUDING DECEMBER 9, 2020**

Plaintiffs and their counsel hereby further supplement their motion presented to this honorable court on November 27, 2020 and the first supplement thereto presented on December 1, 2020, to set aside the order issued on November 25, 2020 on the grounds that oppositions to Defendants motions to dismiss were not timely filed. *See Fed. R. Civ. P 41(a)(2).*

The undersigned contacted Brian Matthew Rhodes, Esquire, counsel for defendants Kenney, Krasner, Outlaw and Ross, via telephonic message and email on December 1, 2020 to discuss the within motion and to determine said defendants' position regarding opposition to the motion. Defendants' counsel responded by email later that day that his clients would oppose plaintiffs' motion to set aside the order of November 25, 2020. Plaintiffs' counsel request that they be permitted to submit a memorandum of law in support of this motion along with their proposed response to Defendants' motion to dismiss (Document 10 on the docket) on or before December 4, 2020.

WHEREFORE in the interests of justice Plaintiffs and their counsel respectfully renew

their request that the order be vacated and that they be according 14 days or until and including December 9, 2020 to respond to the motion to dismiss, in order that this cause can be ruled upon on the merits.

Dated: December 2, 2020

Respectfully submitted,

/s/ Andrew Teitelman  
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*Of Counsel*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2<sup>st</sup> day of December, 2020, a true copy of the foregoing was filed via ECF and served to all counsel of record though the Court's ECF system.

/s/ Andrew Teitelman